

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:22-CR-00087

ALEX KAI TICK CHIN

**MOTION OF UNITED STATES FOR STAY
AND NOTICE OF INTENT TO SEEK REVOCATION OF RELEASE ORDER**

Comes now the United States of America by Jennifer Rada Herrald, Assistant United States Attorney for the Southern District of West Virginia, hereby files this notice of intent to seek revocation of the release order issued by United States Magistrate Judge Laurel Beeler in the Northern District of California (hereinafter "Magistrate Judge" and "NDCA") in this matter pursuant to 18 U.S.C. § 3145(a)(1). The United States further moves this Court to stay the Magistrate Judge's order releasing defendant on bond until a determination is made on the motion for revocation. As ground for this motion, the United States asserts the following:

1. On April 26, 2022, a single-count indictment was returned by a federal grand jury sitting in Charleston, West Virginia, charging defendant with a violation of 18 U.S.C. § 2251(a) (production of child pornography). A sealed warrant was issued for defendant's arrest.

2. On or about June 13, 2022, defendant was arrested in San Francisco, California, on the indictment. The United States moved to detain defendant, asserting the rebuttable presumption pursuant to 18 U.S.C. § 3142(e).

3. On or about June 14, 2022, defendant made his initial appearance before the Magistrate Judge in the NDCA.

4. On June 17, 2022, defendant appeared for a bond hearing before the Magistrate Judge in the NDCA and was ordered released on bond to reside in a halfway house with certain conditions. At the request of the United States, the Magistrate Judge stayed defendant's release to allow for an appeal of the release order to this Court. A status hearing was set for June 27, 2022, to determine if defendant's release should continue to be stayed.

5. As of the filing of this motion, the order releasing defendant to bond in the NDCA has not appeared on the court's PACER system and the undersigned has had no opportunity to review any written order with findings from the Magistrate Judge, any Public Audio File that may have been recorded of the proceedings, or any transcript of the proceeding. The memorandum in support of detention filed by the United States (Exhibit 1) and the minute entry for the detention hearing (Exhibit 2) are attached hereto.

6. Through this motion, the United States formally provides notice of its intent to seek revocation of the Magistrate Judge's release order in this Court.

7. The United States anticipates the filing and receipt of a written order, transcripts of the hearing, and/or other documents and will promptly file a formal motion for revocation with this Court upon receipt of the same.

8. As a status hearing on the release order is currently set for June 27, 2022, the United States respectfully requests that this Court stay the Magistrate Judge's release order until a determination is made on the motion for revocation of the same.

WHEREFORE, the United States respectfully files this notice of its intent to seek revocation of the Magistrate Judge's release order in this matter and further requests that this Court stay said order until a determination is made on the motion for revocation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "MOTION OF UNITED STATES FOR STAY AND NOTICE OF INTENT TO SEEK REVOCATION OF RELEASE ORDER" has been electronically filed and service has been made on opposing counsel by electronic mail this the 17th day of June, 2022, to:

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